Document #4722

3/20/86

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RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

RE: AUTHORIZATION TO EXECUTE A PROCLAIMER OF MINOR MODIFICATION OF GOVERNMENT CENTER URBAN RENEWAL PLAN PROJECT NO. MASS. R-35

WHEREAS, the Urban Renewal Plan for the Government Center Project No. Mass. R-35 (the Plan), was adopted on June 5, 1963, and requires the development of land in compliance with the regulations and controls of the Plan; and

WHEREAS, Section 901 of the Plan, entitled "Modification", provides that the Boston Redevelopment Authority may modify the Urban Renewal Plan; and

WHEREAS, Section 302B of the Plan, entitled "Land Use Provisions and Building Requirements for Specific Re-Use Parcels", provides certain dimensional and access requirements for Parcel 14A and Parcel 13/14 in the Government Center Urban Renewal Plan Area; and

NOW, THEREFORE, be it resolved by the Boston Redevelopment Authority:

1. That Section 302B, Parcel 14A, B, 1 on page 32 of the Government Center Urban Renewal Plan, as revised, (the Plan), be amended by deleting the number "6" and by inserting in place thereof the number "8.53."

2. That Section 302B, Parcel 14A, B, 3 on page 32 of the Plan, be amended by deleting the phrase "70'" and inserting in place thereof the phrase "87'", and by deleting the words "cornice line" and inserting in place thereof, the words "ridge of the mansard roof."

March 20, 1986

M E M O R A N D U M

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: PAUL L. MCCANN, EXECUTIVE ASSISTANT TO THE DIRECTOR

RE: GOVERNMENT CENTER PROJECT NO. MASS. R-35
REQUEST AUTHORIZATION TO ADOPT A PROCLAIMER CONCERNING A MINOR MODIFICATION TO THE URBAN RENEWAL PLAN NECESSARY TO EXECUTE THE DEVELOPMENT AS APPROVED BY THE AUTHORITY

On December 28, 1983, the Authority voted to designate One Faneuil Hall Square Limited Partnership (Charles G. Crones, Jr. and Graham Gund, partners) as redeveloper of Parcel 14A in the Government Center Urban Renewal Area. Parcel 14A is a small vacant parcel (876 square feet) located at 6 Faneuil Hall Square. Subsequently, Graham Gund purchased Mr. Crones' interest in Parcel 14A. The Authority has tentatively approved Graham Gund's revised proposal to combine Parcel 14A with the site of the former Sanborn Fish Company building and adjacent strip parcels in order to erect a seven-story granite building for office and retail uses (the Project).

The Project will require the following minor changes to the Urban Renewal Plan for Parcel 14A: extend the boundaries of Parcel 14A; increase floor area ratio from 6 to 8.53 (to account for the seven stories plus basement and mezzanine floor area); increase maximum building height from 70 feet to 87 feet; delete requirement of access from Corn Court; delete loading bay requirement.

3. That Section 302B, Parcel 14A, B, 7 on page 32 of the Plan be amended by deleting the words "Corn Court" and inserting in place thereof the words "Merchant's Row", and by adding at the end of said subsection B, 7 a comma and the words "but no loading bays shall be required for this parcel."

4. That Section 302B, Parcel 13/14, B, 1 on page 31 of the Plan, as amended by vote of the Authority on December 20, 1973, be further amended by deleting the number "14" and by inserting in place thereof the number "14.1".

5. That the said "Proposed Land Use Map" be amended by enlarging the boundaries of Parcel 14A to include the areas shown on the accompanying plan.

6. That the proposed modifications are found to be minor and they do not substantially or materially alter or change the Plan.

7. That all other provisions of the Plan not inconsistent herewith be and are continued in full force and effect.

8. That the Director be and hereby is authorized to proclaim by certificate these minor modifications of the Plan, all in accordance with the provisions of the Urban Renewal Handbook, RHM 7207.1, Circular dated June 3, 1970 (on a Proclaimer Certificate in substantially the form as attached to this Resolution).

Because two edges of the building will rest on a strip parcel to be leased from the owners of the 60 State Street property, an adjustment of the permitted floor area ratio for that property is also needed. The Urban Renewal Plan currently allows a floor area ratio of 14; to construct the Project, the developer would need this ratio to be increased minimally to 14.1.

It is therefore requested that the Director be authorized to proclaim by certificate the said minor modifications of the Plan.

An appropriate resolution is attached.

March 20, 1986

M E M O R A N D U M

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: PAUL L. MCCANN, EXECUTIVE ASSISTANT TO THE DIRECTOR

RE: GOVERNMENT CENTER PROJECT, ADOPTION OF RESOLUTION OF FINAL DESIGNATION OF ONE FANEUIL HALL LIMITED PARTNERSHIP AS REDEVELOPER OF PARCEL 14A AND ADOPTION OF CONFIRMATIVE ORDER OF TAKING OF PARCEL 14A AND ADJACENT SLIVER PARCELS

On December 28, 1983 the Authority voted to designate One Faneuil Hall Square Limited Partnership (the Partnership) as redeveloper of Parcel 14A in the Government Center Urban Renewal Area. Parcel 14A is a small vacant parcel (877 sq. ft.) known as 6 Faneuil Hall Square. The Authority has tentatively approved Graham Gund's revised proposal to combine parcel 14A with adjacent parcels in order to erect a seven-story granite building for office and retail uses (the Project).

As shown on the plan attached hereto, the development site for One Faneuil Hall Square includes the former Sanborn Fish Building site; Parcel 14A of the Government Center Urban renewal plan; a narrow strip of land on the 60 State Street site; and narrow strips of land on Merchants Row and Faneuil Hall Square, owned by the Authority and leased to Faneuil Hall Marketplace Associates (FHMA). Gund has reached agreement with the Owner of 60 State Street to lease the 60 State Street slivers.

In order to carry out the Project, the Partnership has already acquired most of the necessary public approvals. On September 20, 1985, the Partnership was granted a street discontinuance from the Public Improvement Commission (the PIC). The PIC Order was formally executed and adopted at the March 4, 1986 PIC meeting. A copy is attached as Exhibit F. The Partnership obtained the necessary variances from the Board of Appeal on October 22, 1985. The 15 day period of appeal has expired. As shown in Exhibit G, the Partnership has received an exemption from the Department of the Environment, stating that no environmental impact statement will be required, pending completion of archaeological studies requested by the Massachusetts Historic Commission. The Partnership performed the requested archeological studies at the site and has received a letter from the Massachusetts Historical Commission acknowledging that no further archeological studies are necessary. The letter is attached as Exhibit H. Finally, the Partnership filed the notice required by Massachusetts General Laws Section 40(j) at the Secretary of State's office, attached as Exhibit E.

In order to perform preliminary site work, the Partnership obtained the following licenses from the Authority:

1. Early Entrance License

2. Water and Sewer License

3. Vault License

4. Construction Area and Fence License

Pursuant to these licenses, the Partnership has constructed a new electrical vault for Boston Edison, installed and relocated water and sewer lines, and performed the required archaeological studies.

The Partnership has entered into an easement agreement with FHMA in which FHMA grants to the Partnership the necessary easements to construct and maintain the building (the FHMA Easements).

The easement agreement is attached hereto as Exhibit A.

The Partnership has requested that the Authority adopt a confirmatory taking of Parcel 14A and the strip parcels leased to FHMA on which the proposed building will sit. The Partnership has also requested that the Authority take the FHMA Easements, all of which affect property leased to FHMA. A proposed Order of Taking for both the simple takings and the easements is attached hereto as Exhibit B. FHMA has consented to all of these takings; its consent is attached hereto as Exhibit C. The property to be taken is shown in the Taking Plans, prepared by Whitman and Howard, attached to the Order of Taking.

In addition to the 877 square feet of land in the federally funded Government Center Project, the Authority is selling to the developer three sliver parcels of former City land needed to complete the parcel which includes the building. Three small irregular parcels known as Parcel E-1, Parcel SE-1, and Parcel N-1, containing 829.24 square feet, are to be sold in fee to the developer. These slivers are very irregular in width, varying from 8.48 feet to about one foot. In addition, an air rights easement will be delivered, consisting of another three areas -- Lot E-2, SE-2 and N-2. These three slivers contain 496.50 square feet. A value of one-half of the fee for Parcel 14A has been attributed to the sliver parcels to be conveyed in fee, and a value of one-quarter of the fee for the air rights extension which is only 3 feet in width. The price for the sliver parcels totals $113,700.

The Partnership has agreed to enter into a side agreement with the Authority, acknowledging that to the extent the licenses are still in effect, and contain stricter provisions

than the Easement Agreement, the license provisions govern. The letter is attached as Exhibit D.

It is appropriate for the Authority to adopt minor changes to the Government Center Urban Renewal Plan. A separate Memorandum addressing the required changes and a proposed resolution of the Board has been prepared.

The final step in the disposition of Parcel 14A is the approval of the United States Department of Housing and Urban Development (HUD). A Board resolution, Land Disposition Plan, Proclaimer of Urban Renewal Plan Modification, counsel's opinion, and proposed deed must be delivered to HUD for its approval.

The Partnership requests that the Authority grant final designation to One Faneuil Hall Square Limited Partnership as redeveloper of Parcel 14A for the construction of a seven-story granite building for office and retail uses pursuant to the Resolution attached hereto; adopt the Order of Taking attached hereto as Exhibit B; authorize the Director to enter into a Land Disposition Agreement with the Partnership, to convey the Authority's parcel and the other property interests taken by the Order of Taking to the Partnership, and to execute the easement agreement attached hereto as Exhibit A and the letter agreement attached hereto as Exhibit D; and approve minor changes to the Government Center Urban Renewal Area as described in the attached Memorandum.

Appropriate resolutions are attached and votes follow:

VOTED: To adopt the attached Resolution concerning the final designation of One Faneuil Hall Square Limited Partnership as redevelopers of Parcel 14A in the Government Center Urban Renewal Project; and further

VOTED: To order the filing of an Order of Taking of Government Center Urban Renewal Parcel 14A and the other property described in Exhibit B; and further

VOTED: To authorize the Director to execute the easement agreement attached as Exhibit A, granting to the Partnership the easement interests taken by the Order of Taking, and the side letter agreement in Exhibit D; and further

VOTED: To authorize the Director to execute an amendment to the license agreement for early entry to include excavation, foundation and above-grade work in order that the development may commence at its own risk pending formal approval of document by HUD.